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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,334	11/12/2003	David G. Kuchr-McLaren	RSW920010113US1	6032
46270 7590 11/16/2007 IBM CORPORATION (SYL-RSW) C/O SYNNESTVEDT & LECHNER LLP 1101 MARKET STREET, SUITE 2600 PHILADELPHIA, PA 19107			EXAMINER AUGUSTIN, EVENS J	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,334

Applicant(s)

KUEHR-MCLAREN ET AL.

Examiner

Evens Augustin

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/17/2007 and 11/05/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This is in response to an amendment filed on September 4th, 2007. Claims 1, 7 and 13 have been amended. Claims 1-18 are pending.

Response to Arguments

2. The United States Patent and Trademark Office has fully considered the applicant's arguments filed on September 4th, 2007, but has not found those arguments to be persuasive.

Argument 1: Linskog does not teach that a privacy policy file is ever transmitted to any type of intermediary at any time and does not teach that any other privacy policy files other than that of the content provider are transmitted at any time

Response 1: Applicant seems to be arguing languages that are not claimed. The PTO has not been able to find the aspect of policy being transmitted to an intermediary and any time.

With regard to e-marketplace, broadly interpreted, the e-marketplace is an electronic place or website where products or goods are being examined. Therefore, a website where the public can go for transaction of product or service is interpreted as an e-commerce. In this case the participants are content provider and user. The content provider 200 could be a computer or server hosting a Web site of a company, e.g. a company offering services and resources, selling goods, presenting information, such as text, pictures, video and audio, on its Web site (par. 95). The content provider is therefore a third party hosting a website for company.

Argument 2: Nowhere does Linskog teach that a privacy policy is obtained by an intermediary from one entity and then shared by the intermediary with a second entity. Rather,

the privacy policy of Lindskog is transmitted only once, from a single content provider to a single user agent

Response 2: Since entity is not lexicographically defined, Merriam Webster defines it as: 1 a: being, existence; especially: independent, separate, or self-contained existence b: the existence of a thing as contrasted with its attributes 2: something that has separate and distinct existence and objective or conceptual reality 3: an organization (as a business or governmental unit) that has an identity separate from those of its members. From these definitions, the entities, per applicant's invention are web hosting, the company selling the goods/services and users. The invention by Lindskog provides a mechanism enabling content providers to know that a user has acquainted a privacy policy associated with a requested resource; [0024] Allows users opportunity to accept or reject a content provider's policy regarding usage of cookies and privacy data before a cookie is set (par. 22-24). A third party obtains a privacy policy from seller and the third party shares the policy with user (par. 17). The user in turns signs the policy and returns it to the content provider or third party, (par. 77).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindskog et al. (U.S. 20060075122).
5. As per claims 1-18, Lindskog et al. disclose an invention comprising of hardware (storage medium necessarily present in a server)/software combination means (§ 21, 79, 88, 90, 92) to perform the following:
 - A. User clicks on seller website for content, and a third party obtains a privacy policy from the seller (§ 17, 46) – The invention deals with usage in a P3P agreement procedure for providing resources from content providers to users over Internet (marketplace) (§ 25). The policy can be digitally signed (§ 77) ("**obtaining digitally-signed privacy-use information for each participant; "**")
 - B. The privacy policy is then shared with the user(s)/participants of the system (§ 17-18, 46) ("**sharing the digitally-signed privacy-use information with any participants interested in doing business with each other in the E-marketplace**")
 - C. Privacy policy being P3P (§ 18, 46) ("**privacy information comprises a P3P policy "**")
 - D. Third party requesting seller (s) to submit policy - seller making policy available upon request (§ 17-18, 46) ("**requesting each participant to submit said digitally-signed privacy-use information to the E-marketplace as part of a registration procedure for the E-marketplace "**")

- E. Third party server storing the policy (§ 89) ("**and storing all of said submitted digitally-signed privacy-use information**")
- F. Digital signature may be used/required (§ 77) ("**requiring each participant to submit said digitally-signed privacy-use information to the E-marketplace as part of a registration procedure for the E-marketplace** ")


6.

Conclusion

- 7. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779.

/Evens J. Augustin/
Evens J. Augustin
November 13, 2007
Art Unit 3621


ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600